

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wayne A. Damrau
 Application No.: 10 / 615,627 Group No.: 1762
 Filed: July 9, 2003 Examiner: Katherine Bareford
 For: Apparatus for Decreasing Skip Coating on a Paper Web

☐ *Patent No.: _____

Issue Date: _____

Reexamination No.: _____

*NOTE: Preferably also insert inventor's name and invention title.

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
 A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Robert A. Lloyd

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor (applicant) of this invention.☐ an assignee of this invention.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
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I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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☐ facsimile transmitted to the Patent and Trademark Office, (703) _____Date: January 16, 2006

Signature

Deborah Konicki
Deborah Konicki

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 1 of 8)



WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56, § 1490, M.P.E.P., 7th Edition.

- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☐ A statement under 37 C.F.R. § 3.73(b) is attached.

WARNING: See the above "WARNING."

- ☒ the attorney of record for this invention.

WARNING: Assignee data must be shown even if attorney signs.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also § 1490, M.P.E.P., 7th Edition.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMER

(if applicable)

The assignee is

Name of assignee _____

Address of assignee _____

Title of disclaimant authorized to sign on behalf of assignee _____

EXTENT OF DISCLAIMER'S INTEREST

The extent of the interest in this invention that the disclaimant owns is:

- ☒ the whole of this invention.

- ☐ a sectional interest in this invention, as follows:

NOTE: Disclaimers from the whole interest must be filed.

(state the exact interest of the disclaimant)

The disclaimant(s) is/are:

- ☐ the applicant(s)
- ☒ the assignee(s)

DISCLAIMER
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. _____ as presently shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: _____, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

- ☒ Other than a small entity — fee \$130.00
- ☐ Small entity — fee \$65.00
 - ☐ Small entity statement attached
 - ☐ Small entity statement already filed
 - ☐ in patent application _____ / _____
on _____ (Date)

FEE PAYMENT

\$ 450 Ext Fee
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- ☐ Fee already paid.
- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 580.00
- ☐ Authorization is hereby made to charge the amount of \$ _____
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WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
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Date: January 16, 2006

Reg. No.: 25,694

Customer No.: 21015



Signature of disclaimant

Robert A. Lloyd

SIGNATURE OF PRACTITIONER OF RECORD

(type or print name of practitioner)

P.O. Address



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Wayne A. Damrau)	
)	
Serial No: 10/615,627)	Examiner: Katherine Bareford
)	
Filed: July 9, 2003)	Group Art Unit: 1762
)	
Title: Apparatus for Decreasing Skip)	Attorney Docket: CPI 40043H
Coating on a Paper Web)	

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

The owner, Stora Enso North America Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimers, of any of prior Patents Nos. 5,436,030, 5,789,023 and 6,319,552. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,



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